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7	Anorneys for Complainant		
8	BEFORE THE		
9	BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS		
10	STATE OF CALIFORNIA		
11			
12	In the Matter of the Statement of Issues Against:	Case No. 7419	
13	NUSRAT KHAN	STATEMENT OF ISSUES	
14	Pharmacy Technician Registration Applicant		
15	Respondent.		
16			
17	PAR	TIFS	
18	<u>PARTIES</u>		
19 20	1. Anne Sodergren (Complainant) brings this Statement of Issues solely in her official capacity as the Executive Officer of the Board of Pharmacy (Board). Department of Consumer		
20 21	capacity as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.		
21	2. On or about August 10, 2022, the Board received an application for a Pharmacy		
22	Technician Registration from Nusrat Khan (Respondent). On or about August 5, 2022,		
23 24	Respondent certified under penalty of perjury to t		
24	representations in the application. The Board den		
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1	Prior License	
2	3. On or about September 7, 2009, the Board issued Pharmacy Technician Registration	
3	No. TCH 93587 to Respondent. The license was voluntarily surrendered effective July 22, 2019,	
4	after being placed on probation on June 3, 2019.	
5	JURISDICTION	
6	4. This Statement of Issues is brought before the Board under the authority of the	
7	following laws. All section references are to the Business and Professions Code unless otherwise	
8	indicated.	
9	STATUTORY PROVISIONS	
10	5. Section 480 states, in pertinent part:	
11	(a) Notwithstanding any other provision of this code, a board may deny a	
12	license regulated by this code on the grounds that the applicant has been convicted of a crime or has been subject to formal discipline only if either of the following	
13	conditions are met:	
14		
15	(2) The applicant has been subjected to formal discipline by a licensing board in or outside California within the preceding seven years from the date of application	
16	based on professional misconduct that would have been cause for discipline before the board for which the present application is made and that is substantially related to	
17	the qualifications, functions, or duties of the business or profession for which the present application is made. However, prior disciplinary action by a licensing board	
18	within the preceding seven years shall not be the basis for denial of a license if the basis for that disciplinary action was a conviction that has been dismissed pursuant to	
19	Section 1203.4, 1203.4a, 1203.41, 1203.42, or 1203.425 of the Penal Code or a comparable dismissal or expungement.	
20	6. Section 4300 states, in pertinent part:	
21		
22	(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The	
23	board may, in its sole discretion, issue a probationary license to any applicant for a license who is	
24	guilty of unprofessional conduct and who has met all other requirements for licensure. The board	
25	may issue the license subject to any terms or conditions not contrary to public policy, including,	
26	but not limited to, the following:	
27	(1) Medical or psychiatric evaluation.	
28	(2) Continuing medical or psychiatric treatment.	
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	STATEMENT OF ISSUES	

1	(3) Restriction of type or circumstances of practice.		
2	(4) Continuing participation in a board-approved rehabilitation program.		
3	(5) Abstention from the use of alcohol or drugs.		
4	(6) Random fluid testing for alcohol or drugs.		
5	REGULATORY PROVISIONS		
6	7. California Code of Regulations, title 16, section 1770, states:		
7 8 9 10	(a) For the purpose of denial, suspension, or revocation of a personal or facility license pursuant to Section 141 or Division 1.5 (commencing with Section 475) of the Business and Professions Code, a crime, professional misconduct, or act shall be considered substantially related to the qualifications, functions or duties of the practice, profession, or occupation that may be performed under the license type sought or held if to a substantial degree it evidences present or potential unfitness of an applicant or licensee to perform the functions authorized by the license in a		
11 12	(b) In making the substantial relationship determination required under subdivision (a) for a crime, the board will consider the following criteria:		
13	(1) The nature and gravity of the offense;		
14	(2) The number of years elapsed since the date of the offense; and		
15	(3) The nature and duties of the practice, profession, or occupation that may be performed under the license type sought or held.		
16 17	(c) For purposes of subdivision (a), substantially related crimes, professional misconduct, or acts shall include, but are not limited to, those which:		
18 19	(1) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, governing the practice of pharmacy.		
20 21	(2) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or any law of this state, or any other jurisdiction, relating to controlled substances or dangerous drugs.		
22 23 24	(3) Violate or attempt to violate, directly or indirectly, or to aid, abet or conspire to violate, any provision of law of this state, or any other jurisdiction, relating to government provided or government supported healthcare.		
24 25	(4) Involve dishonesty, fraud, deceit, or corruption related to money, items, documents, or personal information.		
26	(5) Involve a conviction for driving under the influence of drugs or alcohol.		
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1	CAUSE FOR DENIAL OF APPLICATION	
2	(Disciplinary Action by Board of Pharmacy)	
3	8. Respondent's application is subject to denial under Code sections 480, subdivision	
4	(a)(2) and 4300 (c), in conjunction with California Code of Regulations, title 16, section 1770, in	
5	that Respondent was previously disciplined by the Board of Pharmacy, as follows: On or about	
6	May 3, 2019, in a disciplinary action titled In the Matter of Accusation Against: Nusrat Khan,	
7	Case No. 6362, the Board of Pharmacy issued a decision and order, effective June 3, 2019, in	
8	which Respondent's Pharmacy Technician Registration No. TCH 93587 was revoked. However,	
9	the revocation was stayed and Respondent's registration was placed on probation for a period of	
10	three years with certain terms and conditions. Respondent subsequently voluntarily surrendered	
11	her registration on July 22, 2019. The circumstances surrounding the discipline are that on or	
12	about December 1, 2017, Respondent was convicted of one (1) misdemeanor count of violating	
13	Vehicle Code section 23103.5, subdivision (a) [ingestion or administration of a drug] in the	
14	criminal proceeding entitled: The People of the State of California v. Nusrat Khan (Super. Ct.	
15	Kern County, 2017, No. BM912111A.)	
16	<u>PRAYER</u>	
17	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
18	and that following the hearing, the Board of Pharmacy issue a decision:	
19	1. Denying the application of Nusrat Khan for a Pharmacy Technician Registration;	
20	2. Taking such other and further action as deemed necessary and proper.	
21	Sodergren, Digitally signed by Sodergren,	
22	DATED: 1/20/2023 Anne@DCA Date: 2023.01.20 06:36:44 -08'00' ANNE SODERGREN	
23	Executive Officer	
24	Board of Pharmacy Department of Consumer Affairs State of California	
25	Complainant	
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